

CHAPTER XXXII
LAND DIVISION ORDINANCE
VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN

SECTION 3.00 LAND DIVISION PROCEDURES

3.01 PRE-APPLICATION STAFF CONFERENCE

It is recommended that, prior to the filing of an application for the approval of a preliminary plat, condominium plat, or certified survey map, the subdivider consult with the Plan Commission and/or its staff in order to obtain their advice and assistance. It is recommended that a conceptual plan of the proposed subdivision, condominium, or certified survey map be brought by the applicant to the meeting, but such conceptual plan is not required. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

3.02 PRELIMINARY PLAT REVIEW WITHIN THE VILLAGE

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and complete an application and review checklist. The preliminary plat shall be prepared in accordance with this Ordinance and the subdivider shall file an adequate number of copies of the plat for distribution in accordance with this Section; the completed application and checklist; and the preliminary plat review fee with the Village Clerk at least 60 days prior to the meeting of the Village Board at which action is desired.

A. The Village Clerk shall, within two normal working days after filing, transmit:

1. Four copies to the County Planning Agency;
2. Two copies to the Director of Plat Review, Wisconsin Department of Administration;
3. Additional copies to the Director of Plat Review, Wisconsin Department of Administration, for re-transmission as follows:
 - a. Two copies to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
 - b. Two copies to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and

- c. Two copies to the Wisconsin Department of Natural Resources (WDNR) if lands included in the plat lie within 500 feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shoreland areas are located within the plat.
- B. In Lieu of the Procedure Set Forth Above, the subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original of the preliminary plat directly to the plat review section of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit to the Village Clerk the additional copies required for the reviews required below.
- C. The Village Clerk shall also transmit, within two normal working days after filing, eight copies of the preliminary plat to the Village Plan Commission and one copy each to the Village Engineer, Director of Public Works, Village Planner, Fire Chief, Parks Director, and Land Information Officer for review and recommendations concerning matters within their jurisdiction. The recommendations of Village officials shall be transmitted to the Plan Commission within 20 days from the date the plat is received. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this Ordinance, and all other Village ordinances, rules, regulations, and the comprehensive plan and components thereof.
- D. The Village Clerk shall also transmit, within two normal working days after filing, one copy each of the preliminary plat to the Southeastern Wisconsin Regional Planning Commission, affected public and private utility companies, and the affected school district or districts for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 20 days from the date the plat is received.

3.03 APPROVAL OF A PRELIMINARY PLAT LOCATED WITHIN THE VILLAGE

- A. The Objecting Agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

- B. The Village Plan Commission shall promptly review the preliminary plat, after objections and comments have been received by the objecting and reviewing agencies and officials, for conformance with this Ordinance and all applicable laws, ordinances, and comprehensive plans and components of such plans. The Plan Commission shall comment and recommend action on the preliminary plat to the Village Board.
- C. The Village Board shall, within 90 days of the date of filing of the preliminary plat with the Village Clerk, approve, approve conditionally, or reject such plat. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.
- D. Failure of the Village Board to act within 90 days shall constitute an approval of the plat as filed, unless the review period is extended by mutual consent.
- E. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Section 236.11 (1) (b) of the Wisconsin Statutes.

3.04 FINAL PLAT REVIEW WITHIN THE VILLAGE

A final plat shall be prepared in accordance with this Ordinance and the subdivider shall file an adequate number of copies of the plat for distribution in accordance with this Section; the completed application; and the final plat review fee with the Village Clerk at least 25 days prior to the meeting of the Village Board at which action is desired.

- A. The Village Clerk shall, within two normal working days after filing, transmit:
 - 1. Four copies to the County Planning Agency;
 - 2. Two copies to the Director of Plat Review, Wisconsin Department of Administration;
 - 3. Additional copies to the Director of Plat Review, Wisconsin Department of Administration, for re-transmission as follows:
 - a. Two copies to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway;

- b. Two copies to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and
 - c. Two copies to the Wisconsin Department of Natural Resources (WDNR) if lands included in the plat lie within 500 feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shoreland areas are located within the plat.
- B. In Lieu of the Procedure Set Forth Above, the subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original of the final plat directly to the plat review section of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit to the Village Clerk the additional copies required for the reviews required below.
- C. The Village Clerk shall also transmit, within two normal working days after filing, eight copies of the final plat to the Village Plan Commission and one copy to each of the affected public or private utilities.
- D. The Village Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Ordinance and all ordinances, rules, regulations, comprehensive plans or components thereof which may affect it; and shall recommend approval or rejection of the plat to the Village Board.
- E. Partial Platting. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time; however, it is required that each phase be final platted and designated as a phase of the approved preliminary plat.

3.05 APPROVAL OF A FINAL PLAT LOCATED WITHIN THE VILLAGE

The objecting agencies, shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

- A. Submission. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat or may extend the time for submission of the final plat.

- B. The Village Plan Commission shall, within 45 days of the date of filing of the final plat with the Village Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendation to the Village Board.
- C. Notification. The Village Plan Commission shall, when it determines to recommend approval or rejection of a plat to the Village Board, give at least 10 days prior written notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.
- D. The Village Engineer shall determine whether the final plat conforms substantially to the preliminary plat and shall recommend approval, approval with conditions or denial or approval explaining the basis or reasons for the recommendation. Such conclusions and recommendations shall be made part of the proceedings when the final plat is being considered by the Village Board.
- E. The Village Board shall, in accordance with Section 236.12 of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the Village Clerk, approve or reject such plat. The Village Board may act on the plat at the same meeting at which the Plan Commission makes its recommendation. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. One copy each of the plat and letter shall be placed in the Village Clerk's permanent file. The Village Board shall not inscribe its approval on the final plat unless the Village Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, with the date they were forwarded, and that no objections have been filed within 20 days or, if filed, that they have been met.
- F. Failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.

- G. Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval, as required in Section 236.25(2)(b) of the Wisconsin Statutes.
- H. Copies. The subdivider shall file 10 copies of the recorded final plat with the Village Clerk. The Clerk shall distribute copies of the plat to the Village Engineer, Building Inspector, Assessor, Land Information Officer, Planning Director, and other affected Village and County departments for their files.

3.06 PLATS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION OF THE VILLAGE

- A. When the Land to be Subdivided lies within the extraterritorial plat approval jurisdiction of the Village, the subdivider shall proceed as specified in Sections 3.01 through 3.05 except:
 - 1. If the subdivider elects to initially submit the proposed plat to a local municipality, the plat shall, as a matter of courtesy, be first submitted to the Town Clerk concerned. The Town Clerk shall then assume the responsibility for transmitting the plat to the objecting agencies and other approving authorities, including the Village.
 - 2. Approving agencies include the Village Board, Town Board, and County Planning Agency; and the subdivider must comply with the land subdivision ordinances of the Village, Town, and County.
- B. The Subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the Town within whose limits the plat lies may require. Wherever connection to any Village utility is desired, permission for such connection shall be at the discretion of the Village Board.
- C. All Improvement Requirements specified by the Town Board or any special improvement district in matters over which they have jurisdiction shall be met before the final plat is filed.

- D. The Village may not deny approval of any extraterritorial land division on the basis of the proposed land use resulting from the land division unless the denial is based on a plan or regulations, or amendments thereto, adopted by the Village under s. 62.23 (7a.) (c).

3.07 MINOR LAND DIVISION

When it is proposed to divide land into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a five-year period; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of the subdivision plat, or the exterior boundaries of blocks within the subdivision plat, and the division does not result in a subdivision, the subdivider may effect the division by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this Ordinance and shall file sufficient copies of the map and the completed application with the Village Clerk at least 10 days prior to the meeting of the Plan Commission at which action is desired. The Plan Commission may for good reason, such reason being set forth in the minutes of the meeting concerned, accept for review and approval certified survey maps that consist of a single parcel.

- A. A Pre-Application Staff Conference similar to the consultation suggested in Section 3.01 of this Ordinance is recommended.
- B. The Village Clerk shall, within two normal working days after filing, transmit the copies of the map and letter of application to the Village Plan Commission.
- C. The Village Plan Commission shall transmit a copy of the map to all affected Village boards and commissions for their review and recommendations concerning matters within their jurisdiction. Copies may also be transmitted to the County Planning Agency and to the Southeastern Wisconsin Regional Planning Commission for review and comment. Their recommendations shall be transmitted to the Village Plan Commission within 20 days from the date the map is received. The map shall be reviewed by the Plan Commission for conformance to this Ordinance, and all other ordinances, rules, regulations, and comprehensive plans and components thereof as may be applicable.
- D. The Village Plan Commission shall, within 45 days from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Village Board.

- E. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Board shall cause the Village Clerk to so certify on the face of the original map.
- F. Recordation. After the certified survey map has been approved by the Village Board; the Village Clerk shall cause the certification inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for recording within 6 months after the date of the last approval and within 24 months after the first approval.
- G. Copies. The subdivider shall file 10 copies of the recorded certified survey map with the Village Clerk. The Clerk shall distribute copies of the map to the Village Engineer, Village Planner, Building Inspector, Assessor, Land Information Officer, and other affected Village and County officials for their files.

3.08 REPLATS

- A. When It Is Proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall then proceed as specified in Sections 3.01 through 3.06 of this Ordinance.
- B. The Village Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Village is filed, and shall cause notices of the proposed replat and public hearing to be published and mailed to the owners of record of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

3.09 CONDOMINIUM PLATS

A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats or any amendments or expansions thereof. Such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in Sections 3.01 through 3.06 of this Ordinance. Such plat shall comply with the design standards, improvements, and all other requirements of this Ordinance that would otherwise apply to subdivision plats, including, but not limited to, those set forth in Sections 7.00 and 8.00 of this Ordinance.